

Board Members

Fred Wiggins, Ph.D.
Chairperson
Ramona N. Mellott, Ph.D.
Vice-Chairperson
Cheryl L. Karp, Ph.D.
Secretary
Joseph C. Donaldson
Megan Hunter-Williams
Gary D. Lovejoy, Ph.D.
Ramona N. Mellott, Ph.D.
Fred Wiggins, Ph.D.



State of Arizona Board of Psychologist Examiners

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Staff

Benjamin Foster
Executive Director

Meghan B. Hinckley
Deputy Director

Vicky Kamm, CI
Investigator

Vacant
Administrative
Assistant

REGULAR SESSION MINUTES

Friday, February 6, 2009

1400 West Washington
Basement Conference Room, #B-1
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chair Wiggins at 8:32 a.m. on Friday, February 6, 2009. Two Executive Sessions were held at 9:45 a.m. and 2:34 p.m.

2. ROLL CALL

Board Members Present

Fred Wiggins, Ph.D. - Chair
Ramona N. Mellott, Ph.D. - Vice-Chair
Cheryl L. Karp, Ph.D. - Secretary
Megan Hunter-Williams
Joseph C. Donaldson
Gary D. Lovejoy, Ph.D.
Miki Paul, Ph.D. (8:30 a.m.-9:00 a.m. via telephone)
Frederick S. Wechsler, Psy.D., ABPP

Staff Present

Ben Foster, Executive Director
Meghan B. Hinckley, Deputy Director
Vicky Kamm, Investigator

Attorney General's Office

Jeanne Galvin, Esq.
Assistant Attorney General

3. REMARKS/ANNOUNCEMENTS

- **Chair Comments** - Chair Wiggins thanked Staff and Board members for all their dedication and hard work especially with such difficult economic struggles ahead, budget issues looming, the additional responsibility of licensing and regulating a new Board (Board of Behavior Analysts), and impending license renewals. Chair Wiggins reminded Board members, Board staff, and the gallery of the public that it is the charge and legislative responsibility of this board to protect the public.
- **Board Member and Staff Appreciation** - Chair Wiggins thanked Staff for all their dedication and hard work. Chair Wiggins also thanked the Board members for all of their hard work on the various Committees including the Complaint Screening Committee and the Applications Review Committee.
- **Board Member Vacancies** - Chair Wiggins gave an update that there are two public member vacancies on the Board that have not been filled by the Governor's Office of Boards & Commissions. He noted that Ms. Hunter-Williams has graciously agreed to remain on the Board until a replacement is found. In addition, a Psychology Member vacancy had been filled, however, with the transition of the Governor, those new appointments had been

rescinded until further notice of re-appointment. To that end, Dr. Paul has also, graciously, agreed to remain in her position on the Board until a replacement is found for her position vacancy.

- **Board Plaque Presentations** - Chair Wiggins presented Dr. Lovejoy with a plaque for serving as Chair of the Board for the 2008 calendar year. Chair Wiggins noted that it had been year fraught with some struggles and disappointments, but through it, Dr. Lovejoy had guided the Board with outstanding leadership and confidence. Chair Wiggins presented a plaque to Dr. Paul whose 5 year term with the Board had expired January 20, 2009. Chair Wiggins noted that Dr. Paul had served with commitment, leadership, and dedication and thanked her for her years of service. Lastly, Chair Wiggins also noted that Ms. Hunter-Williams term had also expired on January 20, 2009. Chair Wiggins commended Ms. Hunter-Williams for her dedication and commitment to the Board and thanked her for her service.
- **Board Assessment Forms** - Chair Wiggins announced to members of the public audience that the Board appreciates feedback regarding their meetings and that they read every evaluation. Chair Wiggins encouraged members of the audience to complete a Board Meeting Assessment Survey and place them in the box outside the Board room.
- **CE Documentation** - Chair Wiggins announced that licensees could receive CE credits in Ethics for their attendance at Board meetings. Chair Wiggins explained that in order to obtain credit one must register on the CE roster, complete the 3 page CE record form, have the first page signed and stamped with the validation stamp, keep the first page, and submit the remaining pages to Ms. Kamm or Ms. Hinckley. It was noted that Ms. Kamm and Ms. Hinckley are the only two staff that can stamp the CE validation form. Licensees are eligible to receive 2 credits for attending the morning session, and 4 credits for all day attendance.

4. APPROVAL OF MINUTES

- **Regular Session – August 1, 2008** – Dr. Karp noted a change on page 3, number 6, insert the word “while” between the words “that” & “the,” on page 3, number 9, delete the letter “a” after “BEHAVIORA,” and on page 3, number 10, insert the words “the Board invite” between the words “the” and “Dr. Wiggins.” Dr. Karp also noted that on page 4, first paragraph, inserting a period after the word “alternate” and deleting the rest of the sentence. In addition, Ms. Hinckley noted that the numbers from the Investigation Report were missing, had been located, and would be filled in accordingly. Dr. Lovejoy made a motion, seconded by Dr. Karp, and carried (7-0-1), with Ms. Hunter-Williams abstaining from the vote, to approve the August 1, 2008 Regular Session minutes as amended.
- **Regular Session – August 2, 2008** – Dr. Karp made a motion, seconded by Dr. Paul, and carried (7-0-1), with Ms. Hunter-Williams abstaining from the vote, to approve the August 2, 2008 Regular Session minutes.
- **Executive Session – August 1, 2008** – Mr. Donaldson made a motion, seconded by Dr. Karp, and carried (7-0-1), with Ms. Hunter-Williams abstaining from the vote, to approve the August 2, 2008 Executive Session minutes.
- **Regular Session – October 3, 2008** – Dr. Karp noted that on page 2, number 9, “RADION” should be spelled “RADIO.” Dr. Lovejoy made a motion, seconded by Dr. Wechsler, and carried (6-0-2), with Ms. Hunter-Williams and Mr. Donaldson abstaining from the vote, to approve the October 3, 2008 Regular Session minutes.

5. CALL TO THE PUBLIC

Chair Wiggins gave the public the opportunity to address the Board at this time. There being no one to address the Board, Chair Wiggins closed this matter.

6. 9:00 a.m. – ADOA RECRUITMENT – Tom Kernen, Susan Laurence

Due to unforeseen circumstances, Mr. Kernen and Ms. Laurence were unable to attend this timed item and asked that it possibly be rescheduled for another time if the Board had any questions regarding the recruitment process.

7. 9:30 a.m. – REPORT/DISCUSSION/DECISION AND POSSIBLE ACTION regarding Dr. Arnold Thaw’s compliance with Board Order dated December 13, 2007, including, but not limited to, a Board finding of Non-Compliance with the Board Order – Ms. Kamm

Ms. Kamm presented the Board with a timeline regarding Dr. Thaw’s case and Non-Disciplinary Consent Agreement for CE and a timeline of compliance. Dr. Thaw was present without representation. Dr. Thaw asked for and was granted five minutes to speak to the Board regarding this matter. Dr. Thaw summarized that he only worked part-time as a clinician and felt that the time and money constraints that this Board Non-Disciplinary Consent Agreement placed upon him were insurmountable. Dr. Thaw requested that the Board reconsider their action.

At 9:45 a.m., Mr. Donaldson made a motion, seconded by Dr. Lovejoy, and carried unanimously, to move into Executive Session to review documents and obtain legal advice from the Board’s attorney.

At 9:54 a.m., the Board moved back into Open Session. Dr. Lovejoy noted that the clinical competence of Dr. Thaw was not in question, but rather his record keeping, time management, and office policies. Dr. Karp concurred with Dr. Lovejoy and added that the services rendered to the client in questions were above board, and that the problems in this case were contained within the record keeping, billing, and general office procedures. In addition, Mr. Donaldson commented that, based upon his submissions, the practitioner did not comply with the order with a sense of urgency and felt that was unprofessional.

Dr. Lovejoy made a motion, seconded by Dr. Karp, and carried unanimously, to amend Dr. Thaw’s Non-Disciplinary Consent Agreement for CE to include the following: a 6 month extension to complete the Amended Non-Disciplinary Consent Agreement for CE, wherein Dr. Thaw must complete 12 hours interface with a Board approved practice manager, reviewing records, HIPAA procedures, and office policy, to be paid for at his own expense. Dr. Thaw must engage the practice manager within 60 days of the date of the fully executed Non-Disciplinary Consent Agreement, and report to the Board his choice. In addition, Dr. Thaw must present the practice manager with a copy of the fully executed Non-Disciplinary Consent Agreement for CE and, after completion of the twelve hours CE, practice manager will submit a report to the Board regarding the content of CE practice management covered and the dates of completion. In addition, Dr. Thaw must also successfully complete the 8 hours of CE in the APA Insurance Trust course *“Assessing and Managing Risk in Psychological Practice; and Individualized Approach.”* Dr. Lovejoy amended the motion, seconded by Dr. Karp, and carried unanimously, to add that the CE outline in the Non-Disciplinary Agreement was in addition to the 60 required for licensure renewal, and that failure to comply with the Consent Agreement could result in disciplinary action. Should Dr. Thaw decline to accept the Consent Agreement, the Board could open a complaint for failure to comply with a Board Order.

7A. 3:30 p.m. – Executive Committee Meeting – Chair Wiggins

At 3:34 p.m., Chair Wiggins called a meeting of the Executive Committee. At 3:35 p.m., the Executive Committee was adjourned.

8. REVIEW/DISCUSSION/DECISION regarding request for Special Accommodations for the EPPP – Ms. Hinckley

a. Dr. Christine McCabe Bartley

Ms. Hinckley noted that Dr. McCabe-Bartley had submitted a request for Special Accommodations (SPACCOM) to take the EPPP exam and pertinent medical documentation to substantiate her request. Ms. Hinckley made the Board aware that any approved SPACOMM requests were billed to the Board. Dr. Lovejoy noted that evidence submitted supported her request. Mr. Donaldson made a motion, seconded by Dr. Lovejoy, and carried unanimously, to grant Dr. McCabe-Bartley’s request for SPACCOM for the EPPP.

9. DISCUSSION/DECISION regarding changes to the 2009-2011 Renewal Forms/CE Audit Forms – Mr. Foster

Mr. Foster displayed the reformatted version of the 2009-2011 Renewal Forms. He noted that many licensees were becoming confused about the addresses and which ones would be public. To end the confusion, Mr. Foster stated that there would be two addresses required, the "address of record", which is confidential, and the business address which would be considered the public address and be placed on the Board's website.

Dr. Lovejoy asked that the 2007 Citizenship form be added to the new License Renewal per the law that passed as of January 1, 2008, requiring all professional license holders to submit proof of citizenship each time they renew their licenses. Dr. Lovejoy also asked that the law be cited as well so as not to add to any confusion over why the Board was asking for such documentation.

Ms. Kamm presented to the Board, that in order to cut costs and labor, Board staff planned upload the 2009-2011 Renewal onto the website and send a reminder postcard to all licensees that their license renewals expire April 30, 2009. The postcard would direct licensees to download the renewal application and mail it in with their monies. Ms. Kamm reported that the overall savings would be approximately \$300.00, but estimates from the print shop were still being obtained.

Dr. Karp and Ms. Hunter-Williams directed Board staff to make the amended changes to the 2009-2011 Renewal form, and draft a mock-up post-card for the Executive Committee to review and approve. Once approved, Board staff will send out postcards to licensees informing them of the beginning of their license renewal period.

In addition, Mr. Foster presented the Board with a new CE Audit Document. The Board commented that they really liked the new form as it kept all CE's organized by category. Mr. Foster stated that in 2009, the Board is projected to audit approximately 6.5% of licensees, or approximately 100 licensees, it would be in the Board's best interest in terms of time and organization to send the CE Audit Form with the Audit Letters, and send them certified. The Board agreed that this would be prudent.

Mr. Foster stated that the form itself could be kept online after the fact so that licensee may utilize it year round to record their CE's. Dr. Mellott asked if Board staff could convert the form to an excel spreadsheet so that it was "fill able." Ms. Hinckley noted that she would research the possibility and report back at a future meeting.

10. EXECUTIVE DIRECTOR'S REPORT

- **Financial/Budget Update** – Mr. Foster reported that the state budget situation still remains tenuous, and should the full amount of \$563,000.00 be swept from the Board's funds the Board would be insolvent as of August 1, 2009. Mr. Foster presented the Board with a spreadsheet that detailed the Board's current and projected expenditures. Mr. Foster manipulated the spreadsheet to reflect that in August 2009, if the monies were swept, the Board would be insolvent and begin FY 10 with (-301) fund balance. Mr. Foster also noted, short of testifying before Legislature, there was nothing the Board could do as far as the budget, other than continually remind the lobbyists that such a large fund sweep would be detrimental to the Board and the Legislature needed to be reminded of such. In addition, Mr. Foster noted that the Board staff still needs a database revision or upgrade and the hiring of a rules writer for the 5 year rules review for GRCC.
- **Legislation**– Mr. Foster reported that the Board has several bills in Legislature that affect them at this time. HB 2206, the Board's Omnibus bill, is doing well; HB 2207, the Behavior Analyst bill, was modified to allow the Board to accept monies in order to begin the charge of creating, licensing, and regulating the Behavior Analysts. In addition, HB 2207 will push back the actual licensure date of Behavior Analysts in order for those monies to be collected. HB 2240 was passed recently that placed a moratorium on Rule Making that pertained to fee increases. The Board was recently exempted from this bill. Lastly, Mr. Foster reported that HB 2210 would have forced business entities to be licensed. Mr. Foster reported that our Lobbyists exempted the Board from this bill as well.
- **Ad Hoc Analyst Committee Report**– Mr. Foster reported that the Ad Hoc Behavior Analyst Committee is moving along in their research and are now focused on changing the rules in order to present them to the rules writer for review and revision.

11. LICENSING REPORT

- **New Licenses Issued** – Ms. Hinckley reported since December 5, 2008, the Board has issued 8 new licenses.

Ms. Hinckley reported that the Board had licensed 4 psychologists in all this calendar year, which compared to 9 licenses issued by this time last year.

- **EPPP Results** – Ms. Hinckley next reported that 5 applicants had passed the Examination for Professional Practice in Psychology in between December and February.
- **New Applications** – Finally, Ms. Hinckley reported that the Board had received 9 new applications as compared to 16 already received by this time last year.

12. INVESTIGATIONS REPORT

- **New Cases Received** – Ms. Kamm reported that since the October 3, 2008 Board meeting, the Board has received 10 new complaints, which totals 2 complaints received for the 2009 calendar year.
- **Cases Resolved** – Ms. Kamm reported that, for the calendar year, 16 cases have been dismissed at the CSC level, 1 case has been referred to the full board, 1 case administratively closed. 2 cases are on the February 25, 2009 CSC agenda, and 10 cases are currently under investigation.

13. COUNSEL REPORT

Ms. Galvin reported that at this time, 1 request for research has been submitted to the attorney generals office regarding the Behavior Analysts and funding sources for their licensure that could be tied to the Board of Psychologist Examiners appropriations.

14. DISCUSSION/DECISION REGARDING APPLICTAIONS

- **REQUESTING EXAMINATION**
Dr. Karp made a motion, seconded by Dr. Lovejoy, and carried (6-0-1), with Dr. Wechsler recused, that **Jonnie White, Psy.D.**, having obtained a doctoral degree in psychology as required under A.R.S. § 32-2071, be approved to sit for the Examination for Professional Practice in Psychology (EPPP).
- **REQUESTING EXAMINATION & LICENSURE**
Dr. Karp made a motion, seconded by Dr. Wechsler, and carried (6-0), with Dr. Mellott abstaining, that the following applicants, having met the requirements of A.R.S. § 32-2071 and A.A.C. R4-26-203, be approved to sit for the EPPP and for licensure upon receipt of a passing score on the examination, and payment of the pro-rated original license fee:
 - **Sandra Ekeinde, Ph.D.**
 - **Larry Honig, Ph.D.**
 - **Angela Keith, Ph.D.**
 - **Jessie Lopez, Ph.D.**
 - **Marie Davila-Woolsey, Ph.D.**
- **RATIFICATION OF LICENSURE BY CREDENTIAL**
Dr. Karp then made a motion, seconded by Dr. Wechsler, and unanimously carried (7-0), to ratify the issuance of licensure by credential to the following applicants, who had met the requirements of A.R.S. § 32-2071.01(B):
 - **Sue Lerner, Ph.D.**

➤ **REQUESTS FOR LICENSURE BY WAIVER OF EXAM**

Dr. Karp made a motion, seconded by Dr. Wechsler, and unanimously carried (7-0), that **Ellen Betts, Ph.D.**, having met the requirements of A.R.S. § 32-2071.01(A), be approved for licensure upon payment of the pro-rated original license fee.

➤ **REQUESTING LICENSURE FOLLOWING COMPLETION OF POST-DOC**

Dr. Karp made a motion, seconded by Dr. Lovejoy, and carried (6-0-1) with Dr. Wechsler recused, that **Elicia Nademin, Ph.D.**, having met the requirements of A.R.S. § 32-2071.01(A), having passed the EPPP with a score of 70% or better and completed his post-doctoral hours, be approved for licensure upon payment of the pro-rated original license fee.

15. DISCUSSION/CONSIDERATION/POSSIBLE ACTION regarding reminders to Board members involving the appropriateness of comments/statements (verbal or written) made outside of Board meetings as members of the public or profession

Chairman Wiggins reminded to the Board members, that it is inappropriate to represent yourself as a Board member outside of the confines of the Board meetings, either verbal or written representations, and it is important to remember not to speak on *behalf* of the Board outside of the Board meetings. Chairman Wiggins noted that at times, because of a Board members position with the Board, the public can become confused and think that a professional opinion stated is that of the opinion of the Board as a whole. Dr. Karp noted that she often speaks at conferences and ALWAYS uses a disclaimer that just because she is a member of the Board, none of the opinions, either written or spoken, at her lectures are that of the Board and that she is not speaking on *behalf* of the Board. Dr. Lovejoy commented that, at times, he chooses not to answer questions to avoid crossing any lines or possible public confusion.

16. DISCUSSION/DECISION/POSSIBLE ACTION regarding letter/correspondence dated January 17, 2009 from John Kent, Ph.D., regarding retainer fee for Dr. Scherzer evaluation

Dr. Lovejoy reviewed the facts and summarized Case No. 06-34 regarding Dr. John Kent. Ms. Kamm directed the Board to review Dr. Kent's letter of January 17, 2009 regarding the unreasonable retainer fee of Dr. Scherzer's. Dr. Karp commented that in any evaluation case, when there is voluminous information to be reviewed, it is not uncommon to ask for a retainer fee such as that requested by Dr. Scherzer. In addition, she noted that Dr. Kent, in his public comments on his website, lists himself as a "psychologist" and appeared to be holding himself out as such to the general public. After discussion, the Board felt that Dr. Kent was holding himself out to be a psychologist which violated his original board order dated 04/09/07 in which he was placed on medical inactive. Dr. Lovejoy made a motion, seconded by Mr. Donaldson, to invite Dr. Kent for an Informal Interview before the Board on April 3, 2009 for possible violation of his Board order by holding himself out to be a psychologist to the public. In addition, Dr. Wiggins directed staff to draft and mail a response letter declining his request for reconsideration of his order due to Dr. Scherzer's retainer fee, as it was customary for evaluators that his original order still stands, and must be complied with by March 20, 2009 or the Board could take further action.

17. DISCUSSION/DECISION/POSSIBLE ACTION regarding draft Bylaws

Mr. Foster directed the Board to review the draft bylaws he included with their packets as a "starting off point" to modify to fit this Boards functions. Mr. Donaldson commented that bylaws are put into place by adjudicating bodies to help establish and uphold the highest ethical standards. Mr. Donaldson noted that often times, there is a "lack of presence" at our Board and Committee meetings due to out of town Board members wanting to call in. Mr. Donaldson noted that this was highly inappropriate and Board members should be present for all meetings and any Committees they are on in order to maintain the Board's credibility. Dr. Wiggins suggested that the Board members take time to review and digest the materials drafted by Mr. Foster and place this item on a future agenda for review and discussion.

18. REVIEW/DISCUSSION/POSSIBLE ACTION regarding hiring new Executive Director, including a report from the Executive Committee regarding recruitment/hiring process; salary ranges/requirements, and specifications of the Board

Dr. Wiggins announced that today would be Mr. Foster's last day with the Board, as he tendered his resignation. Dr. Wiggins expressed sincere appreciation and thanks to Mr. Foster for all his hard work with the Board and wished him luck in Virginia. Upon Mr. Foster's resignation, Dr. Mellott submitted the Justification to Fill paperwork for approval to hire for the position from ADOA. Dr. Mellott reported that we currently awaiting approval to begin the hiring process. Dr. Wiggins reported that the Executive Committee met on February 13, 2009 with ADOA Recruiters Susan Laurence and Tom Kernen, to review the hiring process and estimated timeframes for hiring. Once the Board received approval, staff will submit the updated Position Description and Job Announcement to ADOA for posting. Dr. Wiggins noted that the recruiting process would be the same as it had been when both Ms. Bolf and Mr. Foster were hired.

19. REVIEW/DISCUSSION/POSSIBLE ACTION regarding naming/appointing an Interim/Acting Director including start dates/salary allowances/requirements and responsibilities – Chairman Wiggins

Dr. Lovejoy noted that it is appropriate to appoint a staff member already employed to act as acting Director until the position is hired and there was a way to "double-fill" the position so that the employee doesn't lose their current position altogether. At 2:34 p.m., Dr. Mellott made a motion, seconded by Dr. Lovejoy, to move into Executive Session for legal advice. The Board returned to open session at 2:47 p.m.

Dr. Lovejoy made a motion, seconded by Dr. Karp, to appoint the current Deputy Director, Ms. Hinckley, to also act as the Interim/Acting Director as well, with an increase of salary to \$60,000 per annum to compensate her for increased duties and responsibilities that the Executive Director position carries. Dr. Karp also amended that this salary was to stay even after an Executive Director is hired as a merit increase for her previous work as Acting ED and her progression in her position. Ms Hinckley accepted the nomination and position and thanked the Board for their continued confidence in her work.

20. DISCUSSION/APPOINTMENT of Attendees for the ASPPB Mid-Year Meeting April 23-26, 2009 in Boston, MA

Dr. Karp made a motion, seconded by Dr. Lovejoy, and carried (7-0) to send Ms. Hinckley as the Board's Administrative liaison, and the new Board member as the Member delegate to the ASPPB Mid-Year meeting in April 2009. Should the new Board member not be able to attend, Dr. Mellott was nominated to attend as an alternate.

21. NEW AGENDA ITEMS FOR FUTURE MEETINGS

Dr. Wiggins asked that the draft bylaws be placed on a future agenda for discussion as well as the distribution of the 2009 Committee Assignments list.

There being no further business to come before the Board, a motion was made by Dr. Wiggins, seconded by Dr. Karp, and unanimously carried (7-0), to adjourn the meeting at 3:34 p.m.

Prepared by:

**Meghan B. Hinckley
Deputy Director**

Respectfully submitted,

**Cheryl L. Karp
Secretary**

